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leases," for "sales" in two instances and "such sale, lease," for "such sale" and inserted "whether there shall be a lease to a country," following "whether there shall be a sale to a country and the amount thereof."

Effective Date of 1985 Amendment. Amendment by Pub.L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub.L. 99-83, set out as a note under section 2151-1 of this title.

Repeals; Effective Date. Section 1102(a)(5) of Pub.L. 99-145 provided that: "The amendments made by this section [amending subsec. (b) of this section and sections 2753(a), 2767, and 2791(e) of this title] are repealed effective as of the effective

date of similar amendments to the Arms Export Control Act in the International Security and Development Act of 1985 [Pub.L. 99-83 (effective Oct. 1, 1985, as provided in Pub.L. 99-83, § 1301) note under section 2151-1 of this title], which amended subsec. (b) of this section and sections 2753(a), 2767, and 2791(e) of this title] or any other law."

Legislative History. For legislative history and purpose of Pub.L. 97-113, see 1981 U.S. Code Cong. and Adm. News, p. 2404. See, also, Pub.L. 99-83, 1985 U.S. Code Cong. and Adm. News, p. 158; Pub.L. 99-145, 1985 U.S. Code Cong. and Adm. News, p. 472.

§ 2753. Eligibility for defense services or defense articles

(a) Prerequisites for consent by President; report to Congress

No defense article or defense service shall be sold or leased by the United States Government under this chapter to any country or international organization, and no agreement shall be entered into for a cooperative project (as defined in section 2767 of this title), unless—

[See main volume for text of (1)]

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article or related training or other defense service so furnished to it, or produced in a cooperative project (as defined in section 2767 of this title), to anyone not an officer, employee, or agent of that country or international organization (or the North Atlantic Treaty Organization or the specified member countries (other than the United States) in the case of a cooperative project) and not to use or permit the use of such article or related training or other defense service for purposes other than those for which furnished unless the consent of the President has first been obtained;

(3) the country or international organization shall have agreed that it will maintain the security of such article or service and will provide substantially the same degree of security protection afforded to such article or service by the United States Government; and

(4) the country or international organization is otherwise eligible to purchase or lease defense articles or defense services.

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under paragraph (2) to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under paragraph (2) to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President. The President shall promptly submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate on the implementation of each agreement entered into pursuant to clause (2) of this subsection.

[See main volume for text of (b) and (c)]

(d) Submission of written certification to Congress; contents; classified material; effective date of consent; report to Congress; transfers not subject to procedures

(1) The President may not give his consent under paragraph (2) of subsection (a) of this section or under the third sentence of such subsection, or under section

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President; report to Congress

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any defense article or related training or other defense
, or produced in a cooperative project (as defined in
to anyone not an officer, employee, or agent of that
organization (or the North Atlantic Treaty Organization
ountries (other than the United States) in the case of a
ot to use or permit the use of such article or related
e service for purposes other than those for which
ent of the President has first been obtained;

national organization shall have agreed that it will
uch article or service and will provide substantially the
protection afforded to such article or service by the
; and

national organization is otherwise eligible to purchase
or defense services.

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In addition, the President shall not give his consent
nsfer of any significant defense articles on the United
the foreign country requesting consent to transfer
defense articles prior to transfer, or the proposed
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ement entered into pursuant to clause (2) of this

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ation to Congress; contents; classified material; effective
Congress; transfers not subject to procedures

ive his consent under paragraph (2) of subsection (a)
third sentence of such subsection, or under section

date of similar amendments to the Arms Export
Control Act in the International Security and
Development Act of 1985 [Pub.L. 99-83 (effective
Oct. 1, 1985, as provided in Pub.L. 99-83, § 1301
note under section 2151-1 of this title), which
amended subsec. (b) of this section and sections
2753(a), 2767, and 2791(e) of this title] or any
other law."

Legislative History. For legislative history and
purpose of Pub.L. 97-113, see 1981 U.S. Code
Cong. and Adm. News, p. 2404. See, also, Pub.L.
99-83, 1985 U.S. Code Cong. and Adm. News, p.
158; Pub.L. 99-145, 1985 U.S. Code Cong. and
Adm. News, p. 472.

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2314(a)(1) or 2314(a)(4) of this title, to a transfer of any major defense equipment
valued (in terms of its original acquisition cost) at \$14,000,000 or more, or any
defense article or related training or other defense service valued (in terms of its
original acquisition cost) at \$50,000,000 or more, unless the President submits to the
Speaker of the House of Representatives and the Committee on Foreign Relations of
the Senate a written certification with respect to such proposed transfer contain-
ing—

[See main volume for text of (A)]

(B) a description of the article or service proposed to be transferred, including
its acquisition cost,

(C) the name of the proposed recipient of such article or service,

[See main volume for text of (D) and (E)]

Any certification submitted to Congress pursuant to this paragraph shall be unclassi-
fied, except that information regarding the dollar value and number of articles or
services proposed to be transferred may be classified if public disclosure thereof
would be clearly detrimental to the security of the United States.

(2) (A) Except as provided in subparagraph (B), unless the President states in the
certification submitted pursuant to paragraph (1) of this subsection that an emergen-
cy exists which requires that consent to the proposed transfer become effective
immediately in the national security interests of the United States, such consent
shall not become effective until 30 calendar days after the date of such submission
and such consent shall become effective then only if the Congress does not adopt,
within such 30-day period, a concurrent resolution disapproving the proposed trans-
fer.

(B) In the case of a proposed transfer to the North Atlantic Treaty Organization,
or any member country of such Organization, Japan, Australia, or New Zealand,
unless the President states in the certification submitted pursuant to paragraph (1)
of this subsection that an emergency exists which requires that consent to the
proposed transfer become effective immediately in the national security interests of
the United States, such consent shall not become effective until fifteen calendar days
after the date of such submission and such consent shall become effective then only
if the Congress does not adopt, within such fifteen-day period, a concurrent resolu-
tion disapproving the proposed transfer.

(3) The President may not give his consent to the transfer of any major defense
equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more, or
of any defense article or defense service valued (in terms of its original acquisition
cost) at \$50,000,000 or more, the export of which has been licensed or approved
under section 2778 of this title, unless at least 30 calendar days before giving such
consent the President submits to the Speaker of the House of Representatives and
the Chairman of the Committee on Foreign Relations of the Senate a report
containing the information specified in subparagraphs (A) through (E) of paragraph
(1).

(4) This subsection shall not apply—

(A) to transfers of maintenance, repair, or overhaul defense services, or of
the repair parts or other defense articles used in furnishing such services, if the
transfer will not result in any increase, relative to the original specifications, in
the military capability of the defense articles and services to be maintained,
repaired, or overhauled;

(B) to temporary transfers of defense articles for the sole purpose of receiv-
ing maintenance, repair, or overhaul; or

(C) to arrangements among members of the North Atlantic Treaty Organiza-
tion or between the North Atlantic Treaty Organization and any of its member
countries—

(i) for cooperative cross servicing, or

(ii) for lead-nation procurement if the certification transmitted to the
Congress pursuant to section 2776(b) of this title with regard to such

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lead-nation procurement identified the transferees on whose behalf the lead-nation procurement was proposed.

(D) Repealed. Pub.L. 97-113, Title I, § 101(a)(8)(C), Dec. 29, 1981, 95 Stat. 1520

[See main volume for text of (e)]

(f) Sales, credits, or guaranties to countries granting sanctuary to international terrorists; prohibitions; ineligibility period; report by President for continuation

(1) Unless the President finds that the national security requires otherwise, he shall terminate all sales under this chapter to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism. The President may not thereafter make or extend sales to such government until the end of the one year period beginning on the date of such termination, except that if during its period of ineligibility for sales pursuant to this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group.

(2) If the President finds that the national security justifies a continuation of sales to any government described in paragraph (1), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(As amended Pub.L. 96-92, § 11, Oct. 29, 1979, 93 Stat. 705; Pub.L. 96-533, Title I, § 101, Dec. 18, 1980, 94 Stat. 8181; Pub.L. 97-113, Title I, §§ 101(a), 102(a), 109(b)(2), Dec. 29, 1981, 95 Stat. 1519, 1520, 1526; Pub.L. 99-83, Title I, § 115(b)(2), Title V, § 503(b), Aug. 8, 1985, 99 Stat. 201, 221; Pub.L. 99-145, Title XI, § 1102(a)(3), (5), Nov. 8, 1985, 99 Stat. 710.)

Unconstitutionality of Legislative Veto Provisions

The provisions of section 1254(c)(2) of Title 8, Aliens and Nationality, which authorize a House of Congress, by resolution, to invalidate an action of the Executive Branch, were declared unconstitutional in Immigration and Naturalization Service v. Chadha, 1983, 103 S.Ct. 2764, 462 U.S. 919, 77 L.Ed.2d 317. See similar provisions in subsec. (d)(2) of this section.

1985 Amendments. Subsec. (a). Pub.L. 99-145 enacted amendments similar to those provided in Pub.L. 99-83, § 115(b)(2). See Repeals; Effective Date note set out under section 2752 of this title.

Subsec. (a). Pub.L. 99-83, § 115(b)(2)(A), added provisions respecting agreement for a cooperative project.

Subsec. (a)(2). Pub.L. 99-83, § 115(b)(2)(B), added provisions relating to cooperative projects, as defined in section 2767 of this title, and provisions relating to cooperative projects with respect to NATO or member countries, other than the United States.

Subsec. (a)(3). Pub.L. 99-83, § 115(b)(2)(C), added "or service" following "such article" wherever appearing.

Subsec. (f). Pub.L. 99-83, § 503(b), substituted "credits, or guaranties" for "credits, and guaranties" wherever appearing in pars. (1) and (2).

1981 Amendment. Subsec. (a). Pub.L. 97-113, § 109(b)(2)(A), (B), substituted in introductory text "sold or leased" for "sold" and in par. (4) "purchase or lease" for "purchase".

Subsec. (d)(1). Pub.L. 97-113, § 101(a)(1)(A)-(D), substituted: in introductory text "or under section 2314(a)(1) or 2314(a)(4) of this title, to a transfer of any major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more, or any defense article or related training or other defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more," for "to a transfer of a defense article, or related training or other defense service, sold under this chapter and may not give his consent to such a transfer under section 2314(a)(1) or 2314(a)(4) of this title"; subpar. (B) reading "a description of the article or service proposed to be transferred, including its acquisition cost" for prior text reading "a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service"; in subpar. (C) "article or service" for "defense article or related training or other defense service"; and in last sentence "articles or services" for "defense articles, or related training or other defense services,".

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Subsec. (d) substituted existing text therein (B), unless "

Subsec. (d) substituted "original acquisition cost" at \$14,000,000 or more, or any defense article or defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more, for "to a transfer of a defense article, or related training or other defense service, sold under this chapter and may not give his consent to such a transfer under section 2314(a)(1) or 2314(a)(4) of this title"; subpar. (B) reading "a description of the article or service proposed to be transferred, including its acquisition cost" for prior text reading "a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service"; in subpar. (C) "article or service" for "defense article or related training or other defense service"; and in last sentence "articles or services" for "defense articles, or related training or other defense services,".

Subsec. (d) struck out (B) of subsec. (c) Treaty Organization of any major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more, or any defense article or defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more, for "to a transfer of a defense article, or related training or other defense service, sold under this chapter and may not give his consent to such a transfer under section 2314(a)(1) or 2314(a)(4) of this title"; subpar. (B) reading "a description of the article or service proposed to be transferred, including its acquisition cost" for prior text reading "a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service"; in subpar. (C) "article or service" for "defense article or related training or other defense service"; and in last sentence "articles or services" for "defense articles, or related training or other defense services,".

1980 Amendment. Subsec. (d) substituted "original acquisition cost" at \$14,000,000 or more, or any defense article or defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more, for "to a transfer of a defense article, or related training or other defense service, sold under this chapter and may not give his consent to such a transfer under section 2314(a)(1) or 2314(a)(4) of this title"; subpar. (B) reading "a description of the article or service proposed to be transferred, including its acquisition cost" for prior text reading "a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service"; in subpar. (C) "article or service" for "defense article or related training or other defense service"; and in last sentence "articles or services" for "defense articles, or related training or other defense services,".

Subsec. (d) substituted "original acquisition cost" at \$14,000,000 or more, or any defense article or defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more, for "to a transfer of a defense article, or related training or other defense service, sold under this chapter and may not give his consent to such a transfer under section 2314(a)(1) or 2314(a)(4) of this title"; subpar. (B) reading "a description of the article or service proposed to be transferred, including its acquisition cost" for prior text reading "a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service"; in subpar. (C) "article or service" for "defense article or related training or other defense service"; and in last sentence "articles or services" for "defense articles, or related training or other defense services,".

Subsec. (d) substituted "original acquisition cost" at \$14,000,000 or more, or any defense article or defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more, for "to a transfer of a defense article, or related training or other defense service, sold under this chapter and may not give his consent to such a transfer under section 2314(a)(1) or 2314(a)(4) of this title"; subpar. (B) reading "a description of the article or service proposed to be transferred, including its acquisition cost" for prior text reading "a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service"; in subpar. (C) "article or service" for "defense article or related training or other defense service"; and in last sentence "articles or services" for "defense articles, or related training or other defense services,".

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ment identified the transferees on whose behalf the
ment was proposed.

L. 97-113, Title I, § 101(a)(3)(C), Dec. 29, 1981, 95 Stat.

See main volume for text of (e)]

ties to countries granting sanctuary to international terrorists
ity period; report by President for continuation

it finds that the national security requires otherwise, he
under this chapter to any government which aids or abets,
om prosecution to, any individual or group which has
national terrorism. The President may not thereafter make
overnment until the end of the one year period beginning on
on, except that if during its period of ineligibility for sales
ch government aids or abets, by granting sanctuary from
individual or group which has committed an act of
ch government's period of ineligibility shall be extended
each such individual or group.

s that the national security justifies a continuation of sales
bed in paragraph (1), he shall report such finding to the
representatives and the Committee on Foreign Relations of

11, Oct. 29, 1979, 93 Stat. 705; Pub.L. 96-533, Title I, § 101, Dec.
97-113, Title I, §§ 101(a), 102(a), 109(b)(2), Dec. 29, 1981, 95 Stat.
3, Title I, § 115(b)(2), Title V, § 503(b), Aug. 8, 1985, 99 Stat. 201,
§ 1102(a)(3), (5), Nov. 8, 1985, 99 Stat. 710.)

Nationality of Legislative Veto Provisions

ction 1254(c)(2) of Title 8, Aliens and Nationality,
ouse of Congress, by resolution, to invalidate an
e Branch, were declared unconstitutional in *Immigra-
ation Service v. Chadha*, 1983, 103 S.Ct. 2764, 462
17. See similar provisions in subsec. (d)(2) of this

(a). Pub.L.
ilar to those pro-
(2). See Repeals;
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urchase".

Subsec. (d)(1). Pub.L. 97-113, § 101(a)(1)
(A)-(D), substituted: in introductory text " , or
under section 2314(a)(1) or 2314(a)(4) of this
title, to a transfer of any major defense equipment
valued (in terms of its original acquisition cost) at
\$14,000,000 or more, or any defense article or
related training or more other defense service valued (in
terms of its original acquisition cost) at
\$50,000,000 or more," for "to a transfer of a
defense article, or related training or other defense
service, sold under this chapter and may not give
his consent to such a transfer under section
2314(a)(1) or 2314(a)(4) of this title"; subpar.
(B) reading "a description of the article or service
proposed to be transferred, including its acquisi-
tion cost" for prior text reading "a description of
the defense article or related training or other
defense service proposed to be transferred, includ-
ing the original acquisition cost of such defense
article or related training or other defense ser-
vice"; in subpar. (C) "article or service" for
"defense article or related training or other de-
fense service"; and in last sentence "articles or
services" for "defense articles, or related training
or other defense services,".

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Subsec. (d)(2). Pub.L. 97-113, § 102(a), des-
ignated existing provisions as subpar. (A), substi-
tuted therein "Except as provided in subparagraph
(B), unless" for "Unless" and added subpar. (B).

Subsec. (d)(3). Pub.L. 97-113, § 101(a)(2),
substituted "transfer of any major defense equip-
ment valued (in terms of its original acquisition
cost) at \$14,000,000 or more, or of any defense
article or defense service valued (in terms of its
original acquisition cost) at \$50,000,000 or more"
for "transfer to a third country of a defense article
or a defense service valued (in terms of its original
acquisition costs) at \$25,000,000 or more, or of
major defense equipment valued (in terms of its
original acquisition costs) at \$7,000,000 or more"
preceding " , the export of which has been licensed
or approved".

Subsec. (d)(4). Pub.L. 97-113, § 101(a)(3),
struck out subpar. (D) respecting nonapplication
of subsec. (d) to transfers to the North Atlantic
Treaty Organization, any member country of such
organization, Japan, Australia, or New Zealand,
of any major defense equipment valued (in terms
of its original acquisition cost) at less than
\$7,000,000 or of any defense article or related
training or other defense service valued (in terms
of its original acquisition cost) at less than
\$25,000,000.

1980 Amendment. Subsec. (d)(1). Pub.L.
96-533, § 101(a)(2)(A), substituted "paragraph"
for "subsection" in last sentence.

Subsec. (d)(2). Pub.L. 96-533, § 101(a)(2)
(B), substituted "paragraph (1) of this subsection"
for "this subsection".

Subsec. (d)(3). Pub.L. 96-533, § 101(a)(1)
(B), added par. (3). Former par. (3) redesignated
(4).

Subsec. (d)(4). Pub.L. 96-533, § 101(a)(1)
(A), (b), redesignated existing par. (3) as (4) and
added subpar. (D).

1979 Amendment. Subsec. (d)(3)(C). Pub.L.
96-92 made the subsec. inapplicable to arrange-
ments between the North Atlantic Treaty Orga-

nization and any of its member countries, incorpo-
rated existing text in provisions designated cl. (i)
and added cl. (ii).

Effective Date of 1985 Amendment. Amend-
ment by Pub.L. 99-83 effective Oct. 1, 1985, see
section 1301 of Pub.L. 99-83, set out as a note
under section 2151-1 of this title.

Repeals; Effective Date. Amendment by
Pub.L. 99-145 repealed effective Oct. 1, 1985, the
effective date of similar amendments by Pub.L.
99-83, § 115(b)(2), see section 1102(a)(5) of
Pub.L. 99-145, set out as a Repeals; Effective
Date note under section 2752 of this title.

Delegation of Functions. Functions of the
President under this section, with the exception of
functions under subsecs. (a)(1), (b), (c)(3), (4), and
(f) of this section, delegated to the Secretary of
State, provided that, in implementing the func-
tions delegated to him under subsecs. (a) and (d)
of this section, the Secretary of State is authorized
to find, in the case of a proposed transfer of a
defense article or related training or other defense
service by a foreign country or international orga-
nization not otherwise eligible under subsec. (a)(1)
of this section, whether the proposed transfer will
strengthen the security of the United States and
promote world peace, and with provision for con-
sultation with other federal departments and agen-
cies, see section 1(a) and 2 of Ex. Ord. No. 11958,
Jan. 18, 1977, 42 F.R. 4311, set out as a note
under section 2751 of this title.

Legislative History. For legislative history and
purpose of Pub.L. 96-92, see 1979 U.S. Code
Cong. and Adm. News, p. 1651. See, also, Pub.L.
96-533, 1980 U.S. Code Cong. and Adm. News,
p. 6540; Pub.L. 97-113, 1981 U.S. Code Cong.
and Adm. News, p. 2404; Pub.L. 99-83, 1985
U.S. Code Cong. and Adm. News, p. 158; Pub.L.
99-145, 1985 U.S. Code Cong. and Adm. News,
p. 472.

§ 2754. Purposes for which military sales or leases by United States are authorized; report to Congress

Defense articles and defense services shall be sold or leased by the United States Government under this chapter to friendly countries solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Chapter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort: *Provided*, That none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines and Korea unless the President determines that such financ-

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